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LAW OFFICES

COHN AND MARKS

SUITE 300

1920 N STREET N.W.

WASHINGTON, D.C. 20036-1622

TELEPHONE (202) 293-3860

FACSIMILE (202) 293-4827

HOME PAGE WWW.COHNMARKS.COM

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

OF COUNSEL

MARCUS COHN

LEONARD H. MARKS

STANLEY S. NEUSTADT

RICHARD M. SCHMIDT, JR.

JOEL H. LEVY
ROBERT B. JACOBI
ROY R. RUSSO
RONALD A. SIEGEL
LAWRENCE N. COHN
RICHARD A. HELMICK
WAYNE COY, JR.
J. BRIAN DE BOICE
JEROLD L. JACOBS

SUSAN V. SACHS
KEVIN M. GOLDBERG
JOSEPH M. DI SCIPIO

DIRECT DIAL:

202-452-4836

INTERNET ADDRESS:

February 10, 2000

VIA HAND DELIVERY

Ms. Magalie R. Salas
Secretary
Federal Communications Commission
Portals II, Filing Center, TW-A325
Washington, D. C. 20554

**Re: Comments in MM Docket No. 00-10
MM Docket No. 99-292
RM-9260**

Dear Ms. Salas

Transmitted herewith, on behalf of Oklahoma Educational Television Authority are the original and four (4) copies of its Comments in the above-referenced proceeding.

Should you have any questions with respect to this filing, please contact the undersigned.

Very truly yours

Wayne Coy, Jr.

Enclosure

OK4

BEFORE THE
Federal Communications Commission

In the matter of)	
)	
)	MM Docket No. 00-10
Establishment of a Class A Television)	MM Docket No. 99-292
Service)	RM - 9260
)	
To: The Commission)	

Comments

The Oklahoma Educational Television Authority ("OETA"), by and through its attorney, files these Comments in this proceeding to urge the Commission to recognize the unique contribution of *The Oklahoma Network* in meeting the instructional, educational and cultural needs of the school children and adults of the State of Oklahoma by granting Class A status to the translators that make up the bulk of the Network's transmitters, so that the Network can continue to provide its essential services into the 21st Century. In support of its position OETA offers the following:

Background

1. OETA is the Agency of the State of Oklahoma that is charged with making available a high quality educational, and cultural program schedule to be transmitted to every roof-top in the State of Oklahoma, and further, to make instructional programming available to every school in the State. Its flagship station, KETA, Oklahoma City, Channel *13, was first activated in 1956, and soon followed by KOED, Channel *11, Tulsa, (1959), Channel *3, Eufaula, and Channel *12, Cheyenne, (both in 1978). These full power stations form the "spine" of the comprehensive state-wide system.

2. Based on the technological environment in existence at that time, OETA made some critical decisions about the development and implementation of the balance of the electronic delivery system. Taking into account the number and location of all of the full power stations allocated within and adjacent to the State, the number of channels available for use for both commercial and noncommercial translators, they assessed the potential future impact of using translators to complete the distribution of the state-wide service to the less populated areas of the State. Accepting the secondary nature of these translators was carefully weighed against the fact that every house was reachable with the lower power technology with great cost savings and efficiency, and the pressure on the state budget was minimized.

3. With the regulatory and technical limitations and restrictions well in mind, OETA began the deployment of an effective delivery system to serve the underpopulated areas of the State. As can be seen from the Chart attached hereto as Exhibit A, these areas were served effectively and efficiently by construction and operation of television translator stations. The first wave of the stations were located in the panhandle at Boise City, Guymon, Beaver, and Buffalo. Other stations were added in the Southwest at Altus, Frederick, and Lawton, and in the Southeastern part of the State at Hugo and Idabel. The system took its final form when Duncan, Ardmore, and Durant were added in the South and Alva, Medford, and Ponca City were brought on line in the North. The complete system has been fully operational since 1980.

Displacement is another word for Disappearance

4. The first indication of a building storm came with the adoption of the Rule to displace all broadcasters from Channels 60-69. While OETA has only a single station in that frequency range, many other translator operators in the State began the migration to the lower channels. Putting all of these stations into 16% fewer frequencies was difficult, but we know now that those that were able to locate (below channel 51) were the lucky ones.

5. The Digital Television Order presented the next escalation in the reduction of available channels by adding a new broadcast channel for each one already serving the area, further displacing some secondary stations. In that same proceeding the announced withdrawal

5. The Digital Television Order presented the next escalation in the reduction of available channels by adding a new broadcast channel for each one already serving the area, further displacing some secondary stations. In that same proceeding the announced withdrawal of broadcasters from channels 51-59 dealt a major blow to those who survived the first assaults. Now the scramble is on.

6. The State of Oklahoma derives no income from the operation of its instructional network. On the contrary, precious tax dollars have been devoted to bringing the highest quality educational programming to the schools and home in the State. While individual viewers contribute to the support of the prime time offerings that come from PBS and from the studios of the Network, that level of giving does not rise to the level of providing the necessary capital needed for the re-tooling the entire delivery system. Even if the money was there, the frequencies are not. The State made a good faith investment based on the electronic environment that existed at the time of the investment. It accepted secondary status because it evaluated the risks as they existed. Now the FCC has changed the shape of the playing field and the State's ability to continue to deliver this programming is totally threatened. The State Department of Education cannot rely on a delivery system that cannot reach every school. The more than 600 hours a year of locally produced programming cannot be supported if large areas of the State cannot be reached. Each year OETA contracts with the Education Department of the State to deliver more than 1000 hours of instructional television programming to every school district throughout the State. The attached Programming Statement sets forth more fully the scope and extent of this educationally vital service. Add in the delivery of *Sesame Street* and other pre-school programming to individual homes and day care centers, and one begins to feel the impact that a dismantling of the system will have.

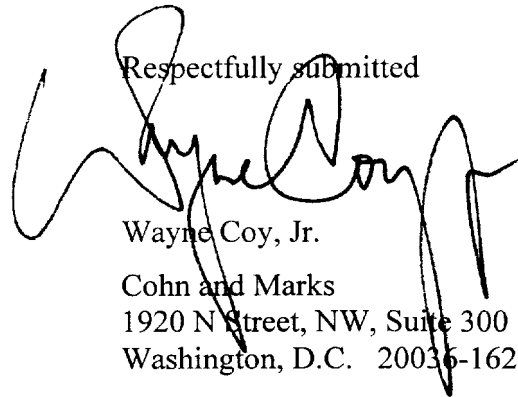
Solution

7. The impact of this issue can be at least minimized by granting Class A status to its low power transmitters to protect the exiting system from further encroachment and displacement. It would not create havoc for the overall purposes of the transition to digital transmission to provide that State networks should be given the highest level of protection

possible under any regulatory scheme. This would assure the highest level of continuity of service, the highest level of reliability, and the most cost efficient and effective method of delivery for vital instructional, educational, and cultural programs.

For all of the above reasons, The Oklahoma Educational Television Authority respectfully requests that Class A status be given to the low power transmitters that form an integral part of its state-wide network.

Respectfully submitted

A handwritten signature in black ink, appearing to read 'Wayne Coy, Jr.', is written over the typed name and address.

Wayne Coy, Jr.
Cohn and Marks
1920 N Street, NW, Suite 300
Washington, D.C. 20036-1622
(202) 293-3860

February 10, 2000

Oklahoma Educational Television Authority
Statement of Eligibility for Class A LPTV Status
Exhibit A

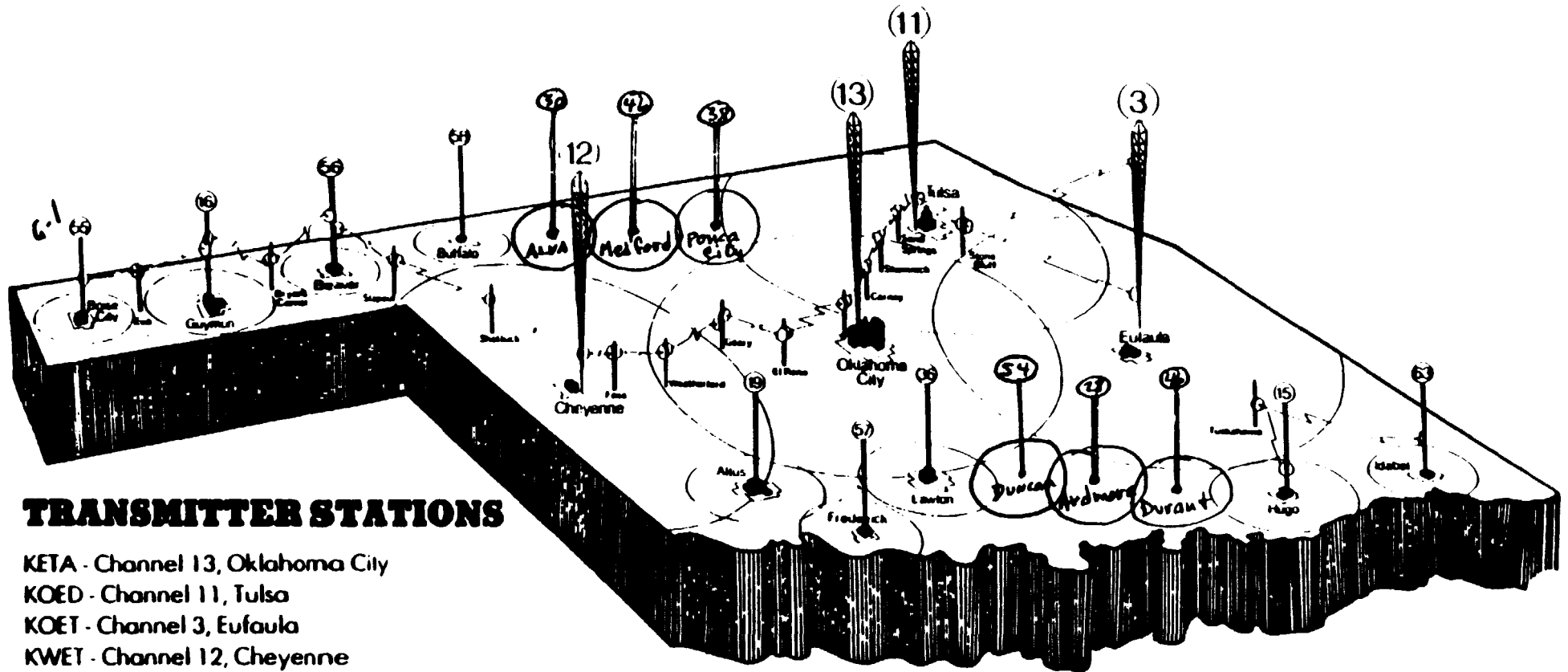
**THE OKLAHOMA NETWORK
TRANSLATOR SYSTEM**

The Oklahoma Network is composed for four (4) full-power VHF transmitters and fifteen (15) UHF translators. Satellite and fiber to create the statewide service interconnect these facilities.

Translator designations are:

K 19 AA	19	Altus	K 46 AI	46	Durant
K 30 AE	30	Alva	K 56 BQ	56	Frederick
K 28 AC	28	Ardmore	K 16 AB	16	Guymon
K 56 AY	56	Beaver	K 15 AA	15	Hugo
K 55 BV	55	Boise City	K 63 BA	63	Idabel
K 58 AX	58	Buffalo	K 36 AB	36	Lawton
K 54 BB	54	Duncan	K 46 AH	46	Medford
			K 38 AK	38	Ponca City

OKLAHOMA PUBLIC TELEVISION NETWORK



TRANSMITTER STATIONS

KETA - Channel 13, Oklahoma City

KOED - Channel 11, Tulsa

KOET - Channel 3, Eufaula

KWET - Channel 12, Cheyenne

UHF TRANSLATORS

Altus - Channel 19

Guymon - Channel 16

Beaver - Channel 56

Hugo - Channel 15

Boise City - Channel 55

Idabel - Channel 63

Buffalo - Channel 58

Lawton - Channel 36

Frederick - Channel 57

Alva - Channel 30

Medford - Channel 46

Ponca City - Channel 38

Ardmore - Channel 28

Durant - Channel 46

Duncan - Channel 54

OKLAHOMA EDUCATIONAL TELEVISION AUTHORITY

7403 NORTH KELLEY AVE./P.O. BOX 14190/OKLAHOMA CITY, OKLAHOMA 73113

PHONE 848-8501 • IN STATE TOLL FREE 1-800-522-9051

THE OKLAHOMA NETWORK LOCAL PROGRAMMING SERVICE

The Oklahoma Network has one of the largest outputs of locally originated broadcast programming among the state networks in the country. A wide array of services is regularly offered to provide educational and informational programs to the State of Oklahoma. News and current events' programming is the largest component of local production. Oklahoma is a very large state geographically and some areas literally do not receive any local news.

In cooperation with the Department of Education and the Board of Regents, instructional and credit programs are offered. More than 7,000 students routinely enroll in credit programs through Oklahoma colleges and universities.

K-12 programs are delivered during the school year to more than 550 separate school districts across the state. The Department of Education conducts annual surveys of teachers to determine which programs to include in the broadcast service.

Inventory of Local Programming (FY 99)

Instructional Television (K-12)	539 hours
College credit telecourses	551 hours
Local production (list attached)	606 hours

LOCAL PRODUCTIONS 1998-1999

PROGRAM TITLE	1998		1999	
	July-Sept.	Oct.-Dec.	Jan-March	April-June
Ask a Lawyer				1
Augustfest Breaks	59.5			
Ebony Chronicles: Flip Schulke		1	1	
Foundation For Excellence 1999				1
General Thomas P. Stafford			1	
Governor Keating's Inauguration			1	
Legislative Week in Review			4	9
Local Election Coverage	3	3		
March Pledge Breaks			99.5*	
OETA Movie Club	11	12	9	13
OETA Summer Showcase	4.5			
OKC Metro	5.5	6	4.5	6.5
Oklahoma Film			3	
Oklahoma Gardening	6.5	6.5	6.5	6.5
Oklahoma Governor's Debate		1		

LOCAL PRODUCTIONS **1998-1999**

PROGRAM TITLE	1998		1999	
	July-Sept.	Oct.-Dec.	Jan-March	April-June
Oklahoma Hall of Fame		1.5		
Oklahoma I Remember			9	
Oklahoma Magazine	1	2	0	3
Oklahoma News Report	33	33	34.5	32.5
Oklahoma Newsreel	2	2	1.5	2.5
Oklahoma Newsreel Cameraman		1		
Oklahoman's Against Fraud			1	
Outdoor Oklahoma	7.5	6.5	5.0	7.5
People's Business				7
Power of Ideas	6.5	6.5	5.5	7
State Capitol Press			2.5	4
State of the State			1	
Sun Up	16.5	16.5	17.5	16.5
Taxwise '99				1
Trail of Tears World Symphony				1

LOCAL PRODUCTIONS **1998-1999**

PROGRAM TITLE	1998		1999	
	July-Sept.	Oct-Dec.	Jan-March	April-June
Tulsa Times		2	5	6.5
Wiley Post of Oklahoma		1	1	
Writing Out Loud			3	6.5
Sub-totals	156.5	101.5	216.0	132.0
TOTALS	156.5	101.5	216.0	132.0